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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/781,279

02/13/2001

Nitin Nayak

YOR9-2000-0574US1

9443

30743

7590

10/31/2006

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EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/781,279	Applicant(s) NAYAK ET AL.	
	Examiner JAGDISH PATEL	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to amendment filed 8/16/06.

Response to Amendment

Claims 1,3,4 and 6-11 are currently pending. Claims 1,3, 4 have been amended.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered. However, as explained in the following analyses of the pending claims, deficiencies concerning (1) indefiniteness and (2) non-statutory status have been not been resolved. It is noted that the analyses of the process claims is also applicable to apparatus claims because 35 USC 112(6) is not invoked.

Claim Rejections - 35 USC § 112/101

4. Claims 1,3,4 and 6-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary analysis is provided for claim1. This analysis applies to all independent claims.

Claim 1 is indefinite under 35 USC 112(second) due to the following defects:

Art Unit: 3693

It appears the claim recites the process in two stages; in the first stage, it generates a plurality of sets of vendors, which meet the demanded capabilities.

The claim then, processes those vendors who do not meet all the demanded capabilities. These vendors are allowed to form a coalition (of vendors), which would meet demanded capabilities. The claim recites limitations the manner in which the coalition is formed with respect to the request for proposal.

Claim 1, in the amended form remains defective because, it fails to link the entire process in a logic fashion wherein the entire process becomes an integral process linking each process step to the other which as whole achieves the stated objective as set forth in the preamble.

For example,

- In the first part of the claim a plurality of sets of vendors which meet the demanded capabilities. The claim is silent about how these sets of vendors relate to the coalition of vendors formed from those vendors who do not meet all demanded capabilities. Alternatively it is stated that the sets of vendors, which meet the demanded capabilities, do not participate in responding to the RFP.
- The claim fails to achieve any “practical application”, i.e. a “useful, tangible and concrete” result as required under 35 USC 101. The claim does not recite any result that is applicable in the real world. In the following suggested format the examiner has amended the claim language which overcomes this problem.
- The claim is further deficient in that the “accepting from registered vendors” lack positive antecedent basis because claim has not identified the registered vendors based upon their capabilities versus the demanded capabilities.

The examiner has the following suggested draft of the amended claim which would overcome the stated deficiencies.

comparing the demanded capabilities with vendor capabilities stored in the database;

identifying vendors whose capabilities match with the demanded capabilities in a plurality of sets of vendors;

identifying vendors whose capabilities do not match with the demanded capabilities;

dividing the request for proposal into a plurality of sub-requests to be responded to by the identified vendors whose capabilities do not match with the demanded capabilities with no

Art Unit: 3693

restriction on a number of level of such divisions, wherein each of the plurality of sub-requests correspond to a corresponding demanded capability;

identifying vendors having vendor capabilities corresponding to the plurality of sub-requests by comparing the vendor capabilities from the database to the demanded capabilities corresponding to the plurality of sub-requests;

identifying a coalition of vendors at each level of the proposal tree, which collectively meet demanded capabilities using the identified vendors;

creating a proposal tree having a coalition alternatives at each level of the request for proposal tree based upon the identified vendors in said coalition;

selecting a preferred coalition from the coalition alternatives at each level of the request for proposal tree to respond to the request for proposal;

generating a proposal corresponding to the request for proposal by aggregating coalitions at all levels in the request for proposal tree in combination with the plurality of sets of vendors.

It is noted that this is claim is suggested to the extent that it meets 112(second, indefiteness) and 101 (statutory) issues. The applicant is required to further review this suggested claim and further amend as necessary.

Note that the analysis of claim also applies to all other independent claims. 35 USC 101 rejection applies to claims 1 and 4 because they do not produce “useful, concrete and tangible” result. For example, claims 1 and 4 aggregates coalition at all levels but does not produce a real world result such as a response to the request for proposal (such as a report or a proposal responsive to the aggregation).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

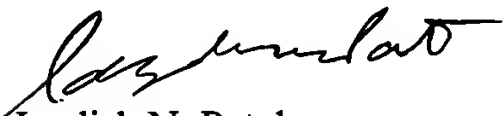
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

10/28/06